

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of  
ADOLF PROIDL

Atty. Docket  
AT 000053

Serial No. 09/954,654

Confirmation No. 7510  
Group Art Unit: 2151

Filed: SEPTEMBER 18, 2001

Examiner: TANG, KAREN C.

Title: INTERNET RECEIVING ARRANGEMENT HAVING QUALITY TEST MEANS

Mail Stop Appeal Brief-Patents  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANT'S REPLY BRIEF**

Sir:

In response to the Examiner's Answers mailed on April 15,  
2008, please consider the following remarks:

REMARKS

Appellant maintains the arguments submitted in the Appeal Brief filed on August 2, 2007, and subsequent Supplemental Appeal Briefs filed on November 11, 2007 and February 23, 2008, which are all incorporated herein by reference. Further, Appellant refutes the allegations made in the Examiner's Answers of April 14, 2008.

In particular, Kiraly is directed to an Internet radio, where forward and past buffers are provided to store data packets to be rendered and that have been rendered, respectively. As recited on page 7, paragraphs [0073]-[0074], when the forward buffer is low, then the Kiraly information receiver and retransmitter device (IRRT) 1001 (shown in FIG 10) signals its chaincast source to send more data packets.

When the forward buffer is nearly empty, then the IRRT 1001 signals a chaincast manager (CCM) to assign a different chaincast source for the IRRT 1001. Any signaling for more data or change of data source is in response to quantity, not quality, namely, in response to the content level or the number of packets in the forward buffer.

In stark contrast, the present invention as recited in

independent claim 1, and similarly recited in independent claim 11, amongst other patentable elements, requires (illustrative emphasis provided):

quality test means for testing the information data retrieved and received by the information retrieval means and for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value.

Quality test means for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value are nowhere taught or suggested in Kiraly.

On page 5, first full paragraph of the Examiner's Answer, it is alleged that the Appellant relies on 'packet rates' which are not recited in the claims. This allegation is misplaced and incorrect. Appellant relies on language specifically recited in independent claims 1 and 11 relate to quality test means and device for testing information data and for supplying the activation information when the quality of the received information data is below a quality threshold value, where such features are nowhere disclosed or suggested in Kiraly.

On page 11, last paragraph of the Examiner's Answer, it is alleged that paragraph [0070] of Kiraly discloses constantly testing quality. Appellant respectfully disagree and point out that paragraph [0070] of Kiraly merely discloses requesting data download as buffers are draining, e.g., past a 'Buffer Low' level. Thus, any monitoring in Kiraly is the level or quantity of the buffer, and not the quality of received data.

Even if, somehow or somewhere, Kiraly disclosed monitoring quality, still any action such as request more download is not in response to any quality monitoring, but in response to the level or quantity of the buffer. Kiraly is completely silent and does not disclose supplying any "activation information to the address retrieval means when the quality of the received information data is below a quality threshold value," as recited in independent claim 1, and similarly recited in independent claim 11.

Accordingly, it is respectfully submitted that independent claims 1 and 11 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10 and 12-20 should also be allowed at least based on their dependence from independent claims 1 and 11.

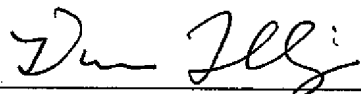
In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-20 are patentable over Kiraly.

In view of the above, it is respectfully submitted that the Examiner's rejection of claims 1-20 should be reversed.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Appellants  
June 16, 2008

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101